

Iran-Contra Prosecutors Rap Barr's Comments

Remarks Made With Weinberger Case Pending

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Iran-contra prosecutors criticized Attorney General William P. Barr yesterday for publicly attacking their work and asked a federal judge to make sure Barr's statements do not prejudice their case against former defense secretary Caspar W. Weinberger.

Barr was quoted Thursday in an interview with USA Today as saying that many of the defendants in the Iran-contra affair "have been treated very unfairly" and should not have been prosecuted.

At a pretrial hearing on the Weinberger case before U.S. District Judge Thomas F. Hogan yesterday, chief trial prosecutor James J. Brosnahan said he hoped the court would ask potential jurors whether they were aware of Barr's remarks.

Weinberger is scheduled to go on trial Jan. 5 on four counts of perjury and lying about the Iran-contra affair and about notes he kept as it unfolded.

Expressing disappointment at what he described as Barr's insensitivity, Brosnahan said he would have thought that the attorney general, as the nation's top law enforcement officer, would have been more aware of his position and concerned about the potential impact of his remarks.

Hogan said he would consider additional questions for prospective jurors before the proceedings start. The judge yesterday began wading through more than 15 pretrial mo-

tions from both prosecution and defense, largely disputing each other over what evidence can be introduced at trial.

The judge granted a prosecution request to exclude the results of a defense-arranged polygraph test, which Weinberger passed last May, and denied a defense request for the records of a mock trial of Weinberger that prosecutors conducted last week.

Hogan called the mock trial "classical pretrial preparation, although of a rather extravagant nature," but said he wanted the names of the 36 mock jurors who took part in the exercise so he can make sure they have no connection with the actual jurors to be chosen next month.

With the demeanor of a somewhat disappointed schoolteacher, Hogan took note of the fact that lawyers on both sides "are beginning to engage in ad hominem attacks on each other" and said he assumed they would stop.

The two sides accused each other of unethical and unprincipled conduct in pretrial pleadings about an FBI interview last March of one of Weinberger's former secretaries at the Pentagon, Thelma Stubbs Smith. Her husband, Edwin, said in an affidavit submitted by the defense that she told the agents that Weinberger kept notes of his meetings and phone calls, but this was left out of the FBI report and she was later scolded in a grand jury appearance for failing to mention the notes.

Prosecutors denounced the ac-



ATTORNEY GENERAL BARR
... timing of his statements criticized

count as untrue and submitted affidavits from the FBI agents stating that Thelma Smith not only said she has no knowledge of Weinberger's notes during the March interview, but did not recognize samples they showed her.

Hogan said he regarded the dust-up as irrelevant and made plain that he would prefer to hear no more of it.

The court took under advisement a bid by the prosecution to bring 16 more allegedly false statements by Weinberger into the trial and an effort by the defense to keep charges of a high-level Reagan administration coverup out of the trial. Weinberger lawyer Robert S. Bennett hinted that he might seek testimony from President Bush and former president Ronald Reagan if he is forced to deal with such allegations.